

Thursday, July 17, 2008

The Real Reasons: Things are not always what they appear to be.....particularly in Washington. Sometimes, the real reason that a bill is changed, or shelved, or amended is not what the spin and press reports say. Two such instances have occurred here recently.

The first has to do with the Foreign Intelligence Surveillance Act (FISA) which was finally passed by the Senate and was signed into law by President Bush last week. This bill has been held up in negotiations and partisan fighting all year. Most people believe that the hold up was because civil libertarians were fighting to insure that no wiretapping of phones is done without appropriate court orders or that the privacy ramifications of this bill were being debated.

Not true. A compromise was reached on all of those issues months ago. The hold-up on this bill was for an entirely different reason. After 9/11, the phone companies were contacted by the federal government and asked to provide certain phone records that the government would use in its surveillance activities. The phone companies, remember that this is in the aftermath of 9/11, complied. Recently, a group of trial lawyers determined that these companies may have broken privacy laws by complying with the government order and naturally, they sued. Dozens of lawsuits were filed for hundreds of millions of dollars. The phone companies now faced losing hundreds of millions because they were being good, patriotic corporate citizens. So the bill contained retroactive immunity for these phone companies.

The trial lawyer (plaintiff's bar) lobby was apoplectic over the thought that hundreds of millions in contingent fees might be lost to them. So, they appealed to their Democratic friends here on Capitol Hill to get that provision out of the bill. This has been the entire hold-up on this for months.

So for those of you who are against FISA (I voted for the bill) and thought that people back here were fighting for your civil liberties, I'm sorry to give you the truth that they were fighting for trial lawyer's fees instead. In the end, 3 amendments in the Senate to strip the retroactive immunity failed and the bill that was signed into law contains that immunity.

The second issue has to do with the 12 appropriations bills that annually fund the federal government. The new fiscal year begins October 1st and normally by now we, or the Senate, should have passed a bunch if not all of these appropriations bills. But neither the House nor the Senate has taken up a single bill yet.

Why? Are we too busy? Waiting for the election? Figures aren't in yet? Actually none of these are the correct reason. The real reason is that appropriations bills are traditionally held with an "open rule" meaning that any member of Congress who wishes to put forth an amendment on the floor may do so and may call for a recorded vote on that amendment. Democrats fear (with good reason) that Republicans will offer amendments related to energy and earmarks. This would force them to vote on things such as offshore drilling and oil exploration in ANWR as well as the development of nuclear power facilities, liquid to natural gas terminals, and coal to liquid converters. Many of these amendments would probably pass but the Democratic leadership does not want them to. So, they need to make sure they do not get a vote.

On earmarks, there is at least the same amount of earmarks as last year, appropriating at least the same amount of money. Members are getting better at naming them so they don't sound as bad, but we earmark crusaders are confident that they are just as bad as in prior years. Neither the Democratic nor Republican leadership want these earmarks exposed to the light of day through floor amendments. The whole earmark culture depends on no one publicizing what these really are. So, if there is no bill, there can be no sunlight.

It appears that Democratic leadership have decided to wait until the inauguration of a new president next January when they can roll all 12 bills, and thousands of earmarks, into a single "omnibus" under a "closed" rule with no amendments. Then, everybody gets their pork and the public doesn't have to hear all those ugly details.

There are the real reasons for those events in Washington, which many here don't want you to know. Now, can one of you tell me if there really are aliens in Area 51? (-:

Until next time, I remain respectfully,

Congressman John Campbell